

(c) Based on the information monitored and reported under paragraph (b) of this section, the unit's baseline heat rate shall be calculated as the unit's total heat input (in mmBtu) for the control period and the unit's baseline NO<sub>x</sub> emissions rate shall be calculated as the unit's total NO<sub>x</sub> emissions (in lb) for the control period divided by the unit's baseline heat rate.

(d) After calculating the baseline heat input and the baseline NO<sub>x</sub> emissions rate for the unit under paragraph (c) of this section, the permitting authority will serve a draft NO<sub>x</sub> Budget opt-in permit on the NO<sub>x</sub> authorized account representative of the unit.

(e) *Confirmation of intention to opt-in.* Within 20 days after the issuance of the draft NO<sub>x</sub> Budget opt-in permit, the NO<sub>x</sub> authorized account representative of the unit must submit to the permitting authority a confirmation of the intention to opt in the unit or a withdrawal of the application for a NO<sub>x</sub> Budget opt-in permit under § 96.83. The permitting authority will treat the failure to make a timely submission as a withdrawal of the NO<sub>x</sub> Budget opt-in permit application.

(f) *Issuance of draft NO<sub>x</sub> Budget opt-in permit.* If the NO<sub>x</sub> authorized account representative confirms the intention to opt-in the unit under paragraph (e) of this section, the permitting authority will issue the draft NO<sub>x</sub> Budget opt-in permit in accordance with § 96.20.

(g) Notwithstanding paragraphs (a) through (f) of this section, if at any time before issuance of a draft NO<sub>x</sub> Budget opt-in permit for the unit, the permitting authority determines that the unit does not qualify as a NO<sub>x</sub> Budget opt-in source under § 96.80, the permitting authority will issue a draft denial of a NO<sub>x</sub> Budget opt-in permit for the unit in accordance with § 96.20.

(h) *Withdrawal of application for NO<sub>x</sub> Budget opt-in permit.* A NO<sub>x</sub> authorized account representative of a unit may withdraw its application for a NO<sub>x</sub> Budget opt-in permit under § 96.83 at any time prior to the issuance of the final NO<sub>x</sub> Budget opt-in permit. Once the application for a NO<sub>x</sub> Budget opt-in permit is withdrawn, a NO<sub>x</sub> authorized account representative wanting to re-apply must submit a new application for a NO<sub>x</sub> Budget permit under § 96.83.

(i) *Effective date.* The effective date of the initial NO<sub>x</sub> Budget opt-in permit shall be May 1 of the first control period starting after the issuance of the initial NO<sub>x</sub> Budget opt-in permit by the permitting authority. The unit shall be a NO<sub>x</sub> Budget opt-in source and a NO<sub>x</sub> Budget unit as of the effective date of the initial NO<sub>x</sub> Budget opt-in permit.

#### **§ 96.85 NO<sub>x</sub> Budget opt-in permit contents.**

(a) Each NO<sub>x</sub> Budget opt-in permit (including any draft or proposed NO<sub>x</sub> Budget opt-in permit, if applicable) will contain all elements required for a complete NO<sub>x</sub> Budget opt-in permit application under § 96.22 as approved or adjusted by the permitting authority.

(b) Each NO<sub>x</sub> Budget opt-in permit is deemed to incorporate automatically the definitions of terms under § 96.2 and, upon recordation by the Administrator under subpart F, G, or I of this part, every allocation, transfer, or deduction of NO<sub>x</sub> allowances to or from the compliance accounts of each NO<sub>x</sub> Budget opt-in source covered by the NO<sub>x</sub> Budget opt-in permit or the over-draft account of the NO<sub>x</sub> Budget source where the NO<sub>x</sub> Budget opt-in source is located.

#### **§ 96.86 Withdrawal from NO<sub>x</sub> Budget Trading Program.**

(a) *Requesting withdrawal.* To withdraw from the NO<sub>x</sub> Budget Trading Program, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget opt-in source shall submit to the permitting authority a request to withdraw effective as of a specified date prior to May 1 or after September 30. The submission shall be made no later than 90 days prior to the requested effective date of withdrawal.

(b) *Conditions for withdrawal.* Before a NO<sub>x</sub> Budget opt-in source covered by a request under paragraph (a) of this section may withdraw from the NO<sub>x</sub> Budget Trading Program and the NO<sub>x</sub> Budget opt-in permit may be terminated under paragraph (e) of this section, the following conditions must be met:

(1) For the control period immediately before the withdrawal is to be effective, the NO<sub>x</sub> authorized account representative must submit or must

have submitted to the permitting authority an annual compliance certification report in accordance with § 96.30.

(2) If the NO<sub>x</sub> Budget opt-in source has excess emissions for the control period immediately before the withdrawal is to be effective, the Administrator will deduct or has deducted from the NO<sub>x</sub> Budget opt-in source's compliance account, or the overdraft account of the NO<sub>x</sub> Budget source where the NO<sub>x</sub> Budget opt-in source is located, the full amount required under § 96.54(d) for the control period.

(3) After the requirements for withdrawal under paragraphs (b)(1) and (2) of this section are met, the Administrator will deduct from the NO<sub>x</sub> Budget opt-in source's compliance account, or the overdraft account of the NO<sub>x</sub> Budget source where the NO<sub>x</sub> Budget opt-in source is located, NO<sub>x</sub> allowances equal in number to and allocated for the same or a prior control period as any NO<sub>x</sub> allowances allocated to that source under § 96.88 for any control period for which the withdrawal is to be effective. The Administrator will close the NO<sub>x</sub> Budget opt-in source's compliance account and will establish, and transfer any remaining allowances to, a new general account for the owners and operators of the NO<sub>x</sub> Budget opt-in source. The NO<sub>x</sub> authorized account representative for the NO<sub>x</sub> Budget opt-in source shall become the NO<sub>x</sub> authorized account representative for the general account.

(c) A NO<sub>x</sub> Budget opt-in source that withdraws from the NO<sub>x</sub> Budget Trading Program shall comply with all requirements under the NO<sub>x</sub> Budget Trading Program concerning all years for which such NO<sub>x</sub> Budget opt-in source was a NO<sub>x</sub> Budget opt-in source, even if such requirements arise or must be complied with after the withdrawal takes effect.

(d) *Notification.* (1) After the requirements for withdrawal under paragraphs (a) and (b) of this section are met (including deduction of the full amount of NO<sub>x</sub> allowances required), the permitting authority will issue a notification to the NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> Budget opt-in source of the acceptance of the withdrawal of the NO<sub>x</sub> Budget opt-in source as of a specified effective date that is

after such requirements have been met and that is prior to May 1 or after September 30.

(2) If the requirements for withdrawal under paragraphs (a) and (b) of this section are not met, the permitting authority will issue a notification to the NO<sub>x</sub> authorized account representative of the NO<sub>x</sub> Budget opt-in source that the NO<sub>x</sub> Budget opt-in source's request to withdraw is denied. If the NO<sub>x</sub> Budget opt-in source's request to withdraw is denied, the NO<sub>x</sub> Budget opt-in source shall remain subject to the requirements for a NO<sub>x</sub> Budget opt-in source.

(e) *Permit amendment.* After the permitting authority issues a notification under paragraph (d)(1) of this section that the requirements for withdrawal have been met, the permitting authority will revise the NO<sub>x</sub> Budget permit covering the NO<sub>x</sub> Budget opt-in source to terminate the NO<sub>x</sub> Budget opt-in permit as of the effective date specified under paragraph (d)(1) of this section. A NO<sub>x</sub> Budget opt-in source shall continue to be a NO<sub>x</sub> Budget opt-in source until the effective date of the termination.

(f) *Reapplication upon failure to meet conditions of withdrawal.* If the permitting authority denies the NO<sub>x</sub> Budget opt-in source's request to withdraw, the NO<sub>x</sub> authorized account representative may submit another request to withdraw in accordance with paragraphs (a) and (b) of this section.

(g) *Ability to return to the NO<sub>x</sub> Budget Trading Program.* Once a NO<sub>x</sub> Budget opt-in source withdraws from the NO<sub>x</sub> Budget Trading Program and its NO<sub>x</sub> Budget opt-in permit is terminated under this section, the NO<sub>x</sub> authority account representative may not submit another application for a NO<sub>x</sub> Budget opt-in permit under § 96.83 for the unit prior to the date that is 4 years after the date on which the terminated NO<sub>x</sub> Budget opt-in permit became effective.

#### § 96.87 Change in regulatory status.

(a) *Notification.* When a NO<sub>x</sub> Budget opt-in source becomes a NO<sub>x</sub> Budget unit under § 96.4, the NO<sub>x</sub> authorized account representative shall notify in writing the permitting authority and the Administrator of such change in